

REMARKS

Claims 1-5, 8, 9, 25-28, 32, 33, 35, 49, and 51 were rejected under 35 USC §102(e) as being anticipated by, or in the alternative unpatentable over, Brown (US 6,219,577). These claims as well as claims 50 and 52 were also rejected under 35 USC §103 as being unpatentable over Brown taken with Gunzburg (WO 96/28563). Further, claims 1, 4-6, 25, and 28-30 were rejected under 35 USC §103 as being unpatentable over Brown in view of either Naghavi or Soykan. Yet further, claims 1-5, 8, 9, 10-14, 25-28, 32, 33, 35-38 and 49-52 were rejected under 35 USC §103 as being unpatentable over Brown taken with German.

The primary prior art reference cited in the office action and relied upon for all rejections is Brown. Brown discloses devices for electrically enhancing the local delivery of treatment agents into the wall tissues or cells of a living body. More particularly, Brown discloses catheter-based devices which provide an electrical driving force that can increase the rate of migration of drugs and other therapeutic agents out of a polymer matrix into body tissues and cells using iontophoresis only, electroporation only, or combined iontophoresis and electroporation.

In contrast to Brown, the present invention is directed to reducing infections related to implantable medical devices; it is not directed to delivery of therapeutic agents. Further, Brown does not concern implantable medical devices and does not concern the reduction of implantable medical device-related infections in patients.

In all instances, the rejections apply Brown's catheter-based medical device as being a "medical device." Claims 1, 25 and 49, as amended, specify an implantable

medical device. Accordingly, the rejections in reliance upon Brown's disclosure of a catheter-based medical device can no longer be sustained.

Applicant submits that all pending claims are in condition for allowance and requests that a notice of allowance should be issued in due course.

Respectfully submitted,

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